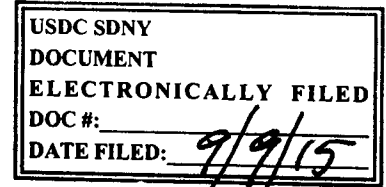


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



----- X  
IN RE FAIRWAY GROUP HOLDINGS CORP.  
SECURITIES LITIGATION

14 Civ. 0950 (LAK) (AJP)

----- X  
**ORDER**

LEWIS A. KAPLAN, *District Judge.*

The motions of (1) the Underwriter Defendants<sup>1</sup> to dismiss counts III and IV of the second amended class action complaint [DI 87], and (2) the Fairway Defendants<sup>2</sup> and the Sterling Defendants<sup>3</sup> to dismiss the second amended complaint [DI 88] are granted as recommended by Magistrate Judge Andrew J. Peck in a report and recommendation dated August 19, 2015 to which no objections have been filed.

The Clerk shall enter judgment and close the consolidated case and those cases consolidated therein (14-cv-1015, 14-cv-1786).

SO ORDERED.

Dated: September 9, 2015

A handwritten signature in black ink, appearing to read "Lewis A. Kaplan".  
\_\_\_\_\_  
Lewis A. Kaplan  
United States District Judge

\_\_\_\_\_  
1

Credit Suisse Securities (USA) LLC, Merrill Lynch, Pierce, Fenner & Smith Incorporated, Jefferies LLC, William Blair & Company, L.L.C., BB&T Capital Markets, a division of BB&T Securities, LLC, Guggenheim Securities, LLC, Oppenheimer & Co. Inc., Wolfe Research Securities (f/k/a Wolfe Trahan Securities), and Morgan Joseph TriArtisan LLC.

2

Fairway Group Holdings Corp., Charles Santoro, Herbert Ruetsch, Edward Arditte, Linda Siluk, Michael Barr, Howard Glickberg, Stephen Key, William Selden, and Farid Suleman.

3

Sterling Investment Partners L.P., Sterling Investment Partners II, L.P., Sterling Investment Partners Side-by-Side, L.P., Sterling Investment Partners Side-by-Side II, L.P., and Sterling Investment Partners Advisers, LLC.;